IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 20828 of 2007(D)

PETITIONER:

D.JOHN, SALES TAX OFFICER,
IST CIRCLE, KANNUR (ON LEAVE),
RESIDING AT GRACE VILLA, CHEERANCAVU,
EZHUKONE PO, QUILON DISTRICT- 691505.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY (TAXES),
DEPARTMENT OF FINANCE, GOVERNMENT SECRETARIAT,
TRIVANDRUM- 695001.

2. THE COMMISSIONER,
COMMERCIAL TAXES, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 20828 of 2007-D

JUDGMENT

The petitioner is a Sales Tax Officer, working in Kannur. He is a native of Kundara in Kollam district. He is due to retire from service on 31.12.2007. A per Ext.P1 order he has been transferred to Kannur. The order spells out the reason for the transfer as "interest of work and administration". Aggrieved by the said transfer the petitioner has preferred Ext.P3 representation before the 2nd respondent. The disciplinary proceedings initiated against the petitioner were finalised by the Government by Ext.P2 appellate order, by imposing a penalty of barring one increment without cumulative effect for a period of one year. The petitioner relies on the observation in Ext.P2 to the effect "there is no credible evidence or eye witness to establish the allegation warranting major penalty". So, he prays for transferring him back to Kollam district, as his transfer was apparently based on the disciplinary action.

2. The 2nd respondent has filed a statement, stating that the petitioner has been transferred in exigencies of service, because of the

disciplinary action against him. Therefore, his case cannot be dealt with under the normal norms governing transfer.

3. Head the learned counsel on both sides. The 2nd respondent is directed to forward Ext.P3 representation to the 1st respondent along with his comments. The 1st respondent is directed to take a decision whether the petitioner could be accommodated somewhere in his native district. This the 1st respondent shall do within two months from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

24th July, 2007.
nm.